

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WENDY GAUTHIER,

Plaintiff,

v.

SUNHEALTH SPECIALTY SERVICES,
INC. and SUNBRIDGE HEALTHCARE
CORPORATION,

Defendants.

Civil Action No.: 4:05-cv-40119

**DEFENDANTS' MOTION IN LIMINE TO PRECLUDE TESTIMONY REGARDING
RUMORS AND HEARSAY REGARDING REASONS FOR TERMINATION**

During deposition in this matter Plaintiff's Counsel elicited testimony concerning what Gauthier's co-workers had heard regarding the reasons for her termination. To the extent that this testimony would be based on the recitation of rumors and speculations by individuals who were not in a position to speak on behalf of the employer, these statements should be excluded. Under Rule 602 of the Federal Rules of Evidence, "[a] witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter." Discussion amongst coworkers around the water cooler speculating about why Ms. Gauthier, or any other employee, were terminated would not be based on sufficient personal knowledge and would be based on inadmissible hearsay.

Wherefore, the Plaintiff should be precluded from eliciting testimony regarding the reasons for Ms. Gauthier's termination unless a proper foundation is laid that the testimony is based on either the witness's personal knowledge or is based on statements made by individuals who were authorized to speak on behalf of the employer. Speculation regarding the reason other employees may have been terminated should also be precluded.

Dated: August 27, 2008

Respectfully Submitted,

**SunHealth Specialty Services, Inc., and
SunBridge Healthcare Corporation,**

by its attorney,

/s/ Michael Williams

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CERTIFICATE OF SERVICE

I hereby certify that this Document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 27, 2008.

/s/ Michael Williams